

**FILED**

**JAN 08 2013**

**New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
APPLICATION OF

ZHEN ZI CUI

FOR CERTIFICATION AS A  
MASSAGE, BODYWORK AND  
SOMATIC THERAPIST

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FINAL ORDER OF  
DENIAL OF CERTIFICATION/  
LICENSE

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This matter was opened to the Massage, Bodywork and Somatic  
Therapy Examining Committee (the Committee) upon receipt of  
information which the Committee has reviewed and the following  
findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Zhenzi Cui submitted an application for certification  
as a massage and bodywork therapist dated April 12, 2012.
2. On Ms. Cui's application, she checked "no" in response  
to the question as to whether she had been arrested or charged  
with any violation of law, or convicted of any crime or offense.
3. Ms. Cui underwent a criminal history background check  
which indicated that Ms. Cui had been arrested on July 12, 2007  
on charges of promoting prostitution and engaging in

prostitution, and found guilty of local ordinance violations on September 25, 2007. In addition, Ms. Cui was arrested on July 17, 2007 on charges of maintaining a nuisance and engaging in prostitution; those charges were dismissed.

2. Ms. Cui had been asked to provide copies of the municipal court complaints, and a narrative statement under oath explaining her version of the conduct that led to her arrest. The explanation she provided indicated simply that she had been arrested for no reason. Ms. Cui was also asked to explain why she had checked "no" on her application in response to the questions about arrests and convictions, but she did not address this in her response.

#### CONCLUSIONS OF LAW

1. Ms. Cui's having checked "no" in response to the application questions concerning her arrest and conviction history constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b) with respect to arrests for an offense relating adversely to the practice of massage and bodywork therapy.

2. Ms. Cui's failure to adequately explain the facts and circumstances that led to her arrest, or to otherwise document the circumstances by providing a copy of the municipal complaint, police report, or transcripts of her municipal court appearance constitutes a failure to cooperate with a Committee investigation

within the intendment of N.J.A.C. 13:45C-1.2, -1.3.

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on August 27, 2012, provisionally denying Ms. Cui's application for certification. A copy of the Order was forwarded to Ms. Cui by certified and regular mail at her address of record. The Provisional Order was subject to finalization at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Ms. Cui requested a modification or dismissal or the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Ms. Cui's request for consideration and reasons therefor.

Although the record reflects that the certified mailing of the Order was signed for, and the regular mailing was not returned, no response has been received to date. The Board of Massage and Bodywork Therapy ("Board") has replaced the Committee as of September 4, 2012 pursuant to P.L. 2007, c. 377, the "Massage and Bodywork Therapist Licensing Act." The Board considered the matter, and found that service had been effected. The Board further determined that additional proceedings were not warranted, inasmuch as no discrepancies had been raised with

respect to the findings of fact and conclusions of law, and that the Provisional Order should be made final.

ACCORDINGLY,

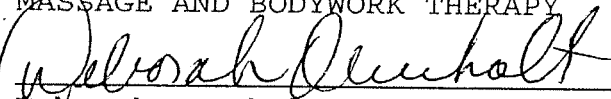
IT IS on this 8<sup>th</sup> DAY of January, 2013 ~~2012~~, *HC*

ORDERED that:

1. Ms. Cui's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, deemed as of September 4, 2012 to constitute an application for licensure, is hereby denied pursuant to N.J.S.A. 45:1-21(b), (e) and (h).

NEW JERSEY STATE BOARD OF  
MESSAGE AND BODYWORK THERAPY

By:

  
Deborah Overholt  
Chairperson